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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,140	02/05/2001	Tetsujiro Kondo	450101-02537	1959
20999 7590 05/01/2007 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER WHIPKEY, JASON T	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/700,140

Applicant(s)

KONDO ET AL.

Examiner

Jason T. Whipkey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed February 12, 2007, have been fully considered but they are not persuasive.

Regarding the rejections under 35 U.S.C. 112, second paragraph, on page 3 of the remarks, Applicant asserts that "the present invention discloses the predictive operation is a single step." Applicant also notes, "The Office Action does not cite the appropriate location in the specification for the recited 'single step' limitation recited in the independent claims" (see page 2), referring to the previous Office action's argument that classification adaptive processing is disclosed as multiple steps.

Claim 2, however, offers evidence that classification adaptive processing is part of the elimination of distortion and conversion into an image with increased resolution. Claim 2 recites:

The picture providing apparatus as set forth in claim 1, wherein the picture image conversion means eliminates distortion of the entirety or a portion of the picture image selected by the selector means by classification adaptive processing and converts such picture image into high quality picture image.

Additionally, Applicant's remarks contradict their own suggestion that the Office action incorrectly cites the classification adaptive processing portion of the specification. On page 5, lines 7-8, Applicant argues, "Based on the single step (*e.g.*, classification adaptive processing) distortion-free and higher quality image is calculated from the stored distorted image."

Applicant does not address the argument that classification adaptive processing is comprised of multiple steps.

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The previous Office action was correct in asserting that when the specification describes the elimination/conversion process in detail — as opposed to when it makes summary statements — it does so in multiple steps.

Regarding the rejections under 35 U.S.C. 103, it is noted that the features upon which applicant relies (i.e., eliminating distortion and increasing resolution via adaptive processing) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

First, each independent claim recites (or has some variation of), “picture image conversion means for both eliminating distortion of the selected entirety or the portion of the picture image and for converting the selected entirety or portion into high quality picture image

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with increased resolution in a single step.” The specification, however, describes (beginning on page 18) classification adaptive processing, which consists of two steps: classification processing and adaptive processing. There is no explicit or implicit disclosure of how an image can have distortion eliminated and resolution increased in a single step.

Second, each independent claim recites, “wherein the high quality picture has a higher quality than the selected entirety or the portion of the picture image whose distortion has been eliminated.” Again, this feature is not enabled by the disclosure. This feature also conflicts with the “single step” limitation described above, since a “picture image whose distortion has been eliminated” can neither exist nor be compared to an image that is not of “a higher quality”, because the invention eliminates distortion and converts the image to a high-quality image in a single step. In other words, this limitation requires at least two steps:

Step 1. Eliminate distortion.

Step 2. Increase quality to produce an image that is of a quality higher than the image produced in step 1.

Claims 2, 3, 7-9, and 14 are rejected because they are dependent upon the non-enabling independent claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 4, 5, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addeo (U.S. Patent No. 5,280,540) in view of McNelley (U.S. Patent No. 5,438,357).

Regarding **claims 1, 4, 12, and 13**, Addeo discloses a picture providing apparatus (see figures 5 and 6) adapted to input distorted picture image (an image with a distorted aspect ratio is received; see column 7, lines 26-36) in which a predetermined range is collectively imaged from image pick-up means (camera 250) to provide the entirety of the picture image, the apparatus including:

memory means (input buffer 513) for storing the picture image inputted from the image pick-up means (see column 7, lines 37-52);

picture image conversion means for both eliminating distortion (the image is expanded to correct the aspect ratio; see column 7, lines 26-36) of the entirety of the picture image and for converting the entirety into high quality picture

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image with increased resolution (interpolation is performed to insert the pixels necessary to produce a full-sized image; see *id.*) in a single step (the single step is comprised of transferring image data to aspect ratio transformation circuit 510; see *id.*),

wherein the high quality picture has a higher quality than the selected entirety of the picture image whose distortion has been eliminated (a high-quality image of increased resolution results from the interpolation; see *id.*), and

wherein the single step operates on only the distorted image to both eliminate distortion and convert into a higher quality image with increased resolution (see *id.*).

Addeo is silent with regard to being able to select a portion of the image in accordance with a request from a picture image display unit.

McNelley discloses an teleconferencing system, including:

a predetermined range (the subject at which the camera is aimed) is collectively imaged from image pickup means to provide a portion of the picture image in accordance with request of a picture image display unit (the remote terminal requests a selected area from a local terminal, which manipulates the captured image and transmits the selected area to the remote terminal; see column 9, line 63, through column 10, line 9);

communication means for receiving request for transmission of picture image from the picture image display unit and for transmitting the entirety or the portion of the picture image from which distortion has been eliminated to the

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picture image display unit (inherently present in order to handle the requests described above; see *id.*);

selector means for selecting the entirety or the portion of the picture image stored in the memory means in correspondence with the request that the communication means has received (see *id.*).

As suggested in column 9, line 63, through column 10, line 9, an advantage of such a configuration is that there is increased flexibility for the remote viewer, which allows him to select a satisfactory image. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Addeo's system allow a picture image display unit to select a portion of a complete image, as described by McNelley.

Claim 5 can be treated like claims 1 and 4. Additionally, Addeo discloses that his invention may be implemented using a microprocessor (see column 7, lines 47-58).

Microprocessors inherently execute a program in order to accomplish a task, and programs are inherently stored on some sort of medium.

Regarding **claim 14**, Addeo discloses:

wherein the high quality picture has a resolution higher than that before the converting (a high-quality image of increased resolution results from the interpolation; see column 7, lines 26-36).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava, can be reached at (571) 272-7304. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

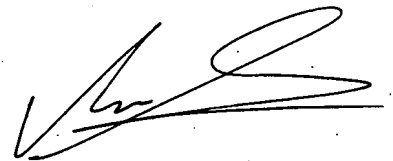
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April 25, 2007



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